



Docket No. CDS 0290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David Angelo Tomasso
Raymond Francis Jakubowicz
James Vanselow Barry

Serial No. : 10/730,749

Art Unit:

Filed : December 8, 2003

Examiner:

For : ANALYZER HAVING REMOVABLE HOLDERS OR A CENTRIFUGE

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March 18, 2004

(Date of Deposit)

Todd J. Burns

(Name of applicant, assignee, or Registered Representative)

TJ Burns

(Signature)

March 18, 2004

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e)
(attached); or

☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

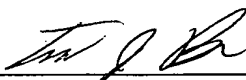
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☒ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CDS0290/TJB. This form is submitted in triplicate.

Respectfully submitted,



Todd J. Burns
Reg. No. 38,011
Attorney for Applicants

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(732) 524-1496
DATED: March 18, 2004



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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STATEMENT BY APPLICANT**

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Sheet 1 of 4

Complete if Known

Application Number	10/730,749
Filing Date	12/08/2003
First Named Inventor	David A. TOMASSO
Group Art Unit	
Examiner Name	
Attorney Docket Number	CDS 0290

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		4,086,060		Hermann, Jr.	04-25-1978	
		4,142,863		Covington et al.	03-06-1979	
		4,296,070		Montalto et al.	10-20-1981	
		4,269,803		Jessop	05-26-1981	
		4,287,155		Tersteeg et al.	09-01-1981	
		4,512,952		Blanding et al.	04-23-1985	
		4,797,257		Shaw	01-10-1989	
		4,815,978		Mazza et al.	03-28-1989	
		4,933,291		Daiss et al.	06-12-1990	
		4,965,049		Lillig et al.	10-23-1990	
		5,059,393		Quenin et al.	10-22-1991	
		5,244,633		Jakubowicz et al.	09-14-1993	
		5,314,825		Weyrauch et al.	05-24-1994	
		5,326,398		Kelley et al.	07-05-1994	
		5,428,470		Labriola, II	06-27-1995	
		5,441,895		Jakubowicz et al.	08-15-1995	
		5,480,484		Kelley et al.	01-02-1996	
		5,523,056		Miller	06-04-1996	
		5,525,298		Anami	06-11-1996	
		5,736,403		Riall et al.	04-07-1998	
		5,741,708		Carey et al.	04-21-1998	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) and application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Number/Kind Code ² (if known)				
		5,747,666		Wills	05-05-1998	
		5,753,512		Riall et al.	05-19-1998	
		5,787,015		Aldridge et al.	07-28-1998	
		5,885,533		Savage et al.	03-23-1999	
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		2003/0017613	A1	Jakubowicz, et al.	07-23-2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Country Code ³	Number ⁴	KindCode ⁵ (if known)				
		EP	458138	A2	11-27-1991	TECHNICON INSTRUMENTS CORPORATION		

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Attorney Docket Number	CDS 0290

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		http://www.abaxisinc.com/vet/vhem.html - Abaxis.com, VetScan® Chemistry System, 9/18/2002, 2 pgs.	
		http://www.hemagen.com/Products/analyst.htm - Analyst® benchtop chemistry system, System Features, 9/18/2002, 2 pgs.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 1. NDN 223-0119-8869-0: <i>Biochemical analysis system, and biochemical analysis element cartridge</i> US Pub. No. 20020098116A1	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 2. NDN 223-0118-3060-7: <i>Incubator</i> US Pub. No. 20020090322 A1	
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		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 5. NDN 223-0106-4499-3: <i>Biochemical analysis apparatus</i> US Pub. No. 20020031844A1	
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		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 9. NDN 050-0060-7344-0, <i>Method of filtering blood</i> - EPO Pub. No. 0893130	
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		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 11. NDN 050-0049-5101-3, <i>Chemical analysis film cartridge and method of and device for taking out chemical analysis film chip from the cartridge</i> , EPO Pub. No. 0722089.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 12. NDN 050-0047-3882-2, <i>Method and apparatus for spotting liquid samples onto dry-type chemical analysis film pieces</i> , EPO Pub. No. 0677744	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 13. NDN 050-0044-8620-1, <i>Chemical analysis film cartridge and method of and device for taking out chemical analysis film from the cartridge</i> , EPO Pub. No. 0634659.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 14. NDN 050-0039-6047-0, <i>Chemical analysis system</i> , EPO Pub. No. 0555654	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 15. NDN 050-0028-3318-9, <i>Film loading device</i> , EPO Pub. No. 0415425	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 16. NDN 050-0017-5714-3, <i>Automatic analytical method using chemical analytical slides</i> , EPO Pub. No. 0285851.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 17. NDN 069-0341-4631-5, <i>Chemical analysis stem</i> , EPO Pat. No. 0555654.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 18. NDN 069-0338-2933-2, <i>Method and apparatus for spotting liquid samples onto dry-type chemical analysis film pieces</i> , EPO Pat. No. 0677744.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 19. NDN 069-327-5321-6, <i>Method of and device for taking out chemical analysis film test elements from a cartridge</i> , EPO Pat. No. 0722089.	
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		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 21. NDN 069-0317-3206-0, <i>Film loading device</i> , EPO Pat. No. 0415425.	

Examiner Signature	Date Considered
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 22. NDN 069-0303-0232-0, Automatic analytical method using chemical analytical slides, EPO Pat. No. 0285851.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 23. NDN 043-0254-5389-8, Pipette Chip Loading Implement, Citation from Patent Abstracts of Japan No. 02207047 JP	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 24. NDN 043-0254-5388-6, Incubator, Citation from Patent Abstracts of Japan No. 02207046 JP	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 25. NDN 043-0254-5387-4, Incubator, Citation from Patent Abstracts of Japan No. 02207045 JP.	
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		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 27. NDN 043-0252-0179-4, Cartridge for Biochemical Analysis, Citation from Patent Abstracts of Japan No. 02181834 JP.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 28. NDN 043-0252-0178-2, Biochemical Analyzer, Citation from Patent Abstracts of Japan No. 02181833 JP.	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 29. NDN 043-0252-0177-0, Cartridge for Biochemical Analysis, Citation from Patent Abstracts of Japan No. 02181832 JP.	
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		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 31. NDN 043-0243-7087-0, Quantitative Suction Tip and Quantitative Suction Device, Citation from Patent Abstracts of Japan No. 02098706 JP.	
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		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 33. NDN 217-0406-9896-3, Chemical analysis system and blood filtering unit - U.S. Patent No. 6,241,947	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 34. NDN 217-0391-7176-6, Blood Filter Unit, U.S. Patent No.6,170,671	
		Search - Nerac.com - 1/20/2003 - Question No. 1186511.004, 35. NDN 217-0364-4367-6, Method of Filtering Blood U.S. Patent No. 6,170,671	

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SUBMISSION UNDER MPEP 609 D

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		Tomasso, et al.	10/403,153		
		Tomasso, et al.	10/403,266		
		Tomasso, et al.	10/436,537		

FOREIGN PATENT DOCUMENTS

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